

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
J. ARON & COMPANY, on its own Behalf :  
and as Administrative Agent for the Co- :  
Lenders, :  
Plaintiff, : Civ. No.: 08 CV 1866  
- against - :  
OSYKA PERMIAN, LLC, OSYKA :  
CORPORATION, and MICHAEL F. :  
HARNESS, :  
Defendants. :  
-----X  
STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF NEW YORK )

JEANETTE ARIOLA, being duly sworn, deposes and states:

I am not a party to this proceeding, am over 18 years of age and am employed by Schulte Roth & Zabel LLP.


On February 26, 2008, deponent served the Summons in a Civil Action, Complaint, Judge Harold Baer Jr's. Individual Rules, United States District Court, Southern District of New York Guidelines for Electronic Filing, Procedures for Electronic Filing and Third Amended Instructions for Electronic Filing upon the following at the address designated for that purpose:

Osyka Permian, LLC  
15995 N. Barkers Landing, Suite 300  
Houston, TX 77079  
Attn: Michael F. Harness

Said service was made by depositing true copies of said documents, enclosed in a post-paid sealed wrapper, properly addressed to the above-named by Certified Mail, Return Receipt Requested and deposited in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York. Attached hereto and made a part of this affidavit is the original receipt for Certified Mail.

  
JEANETTE ARIOLA

Sworn to before me this  
6<sup>th</sup> day of March, 2008.

  
Notary Public

10618102.1

PATRICIA A. BOTTI  
Notary Public, State of New York  
No. 01BO4984082  
Qualified in New York County  
Commission Expires July 15, 2011

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
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**OFFICIAL USE**

Postage \$ 2.16

Certified Fee 2.65

Return Receipt Fee (Endorsement Required) 2.15

Restricted Delivery Fee (Endorsement Required)

Total Postage & Fees \$ 6.96

Sent To Attn: Michael F. Harness  
 Osyka Permian, LLC  
 Street, Apt. No., or PO Box No. 15995 N. Barkers Landing  
 City, State, ZIP+4 Suite 300  
 Houston, TX 77079

PS Form 3800, June 2002 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Michael F. Harness  
 Osyka Permian, LLC  
 15995 N. Barkers Landing  
 Suite 300  
 Houston, TX 77079

2. Article Number (Copy from service label)

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) M. Espinola B. Date of Delivery 2/29

C. Signature M. Espinola ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes ☐ No  
 If YES, enter delivery address below:

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? ☐ Yes ☐ No

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

J. ARON & COMPANY, on its own Behalf and  
as Administrative Agent for the Co-Lenders,

V.

OSYKA PERMIAN, LLC, OSYKA  
CORPORATION, AND MICHAEL F. HARNESS

SUMMONS IN A CIVIL ACTION

CASE NUMBER: 08 CV 1866

JUDGE BAER

TO: (Name and address of Defendant)

Osyka Permian, LLC  
15995 N. Barkers Landing, Suite 300  
Houston, TX 77079

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Howard Godnick  
Schulte Roth and Zabel LLP  
919 Third Avenue  
New York, New York 10022  
(212) 756-2000


an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

FEB 26 2008

CLERK

DATE

  
(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER ( <i>PRINT</i> )	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Served personally upon the defendant. Place where served: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted: </div> <div> <input type="checkbox"/> Other (specify): </div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date _____ Signature of Server _____</p> <p style="text-align: center;">_____ Address of Server _____</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.